

installation of different applications into the computer system; processing the changed information to determine conflict information pertaining to which files and shared resources conflict with one another; storing the conflict information in a database; and resolving any software conflicts based on the stored conflict information. The files and shared resources that conflict with one another are provided a conflict level indicator (e.g. informational, warning and/or severe error) used in facilitating the resolution of said software conflicts resulting from actual changes made said files and other shared resources during the installation of at least one application into the computer system. Customers benefit from the method and system of the present invention because actual conflicts between files and shared resources are identified before the new software applications are introduced into the computer system thus improving user productivity by eliminating system outages and downtime.

Many times end users are unaware when underlying system level components have changed due to loading software updates from the Internet or manually through some programmable medium (e.g., the lowest level TCP/IP protocol stack DLLs). Those who manage the distribution of new applications to users have very likely experienced situations where one program disables others by installing an incompatible DLL file or other non-file system resources such as registry keys, icons or system services. Until now, this problem has been very difficult to prevent and identify because many computer upgrading methods and systems have not sought to determine the type of actual conflicts that occur between files and other shared resources of a new application and the previously existing files and shared resources of the computer system during installation.

By utilizing Applicant's invention, system managers are provided accurate and detailed information relative to actual conflicts that exist between a new application and preexisting system software because of the detailed comparison made between the files and other shared

resources during the actual installation of the new application. Applicant's method and system obviates any ambiguities as to how the installation of the new application will affect the operation of the computer system. A user is provided detailed information, in addition to conflict level indicators, relative to actual conflicts that result from the installation of a new application into a computer system.

Claims 1, 5-8, 14-18, 22-25, 31-43, 45-52 and 58-65 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stupek, Jr. et al., U.S. Patent No. 5,586,304, in view of Burns et al., U.S. Patent No. 6,018,747. Applicant respectfully traverses with this as a basis for rejection.

The '304 reference discloses a method and apparatus for use in upgrading a resource of a computer system from an existing version of the resource to a later version of the resource. The method includes the steps of digitally storing upgrade information which identifies the later version and describes features of the later version relevant to one or more earlier versions of the resource; digitally storing in the computer information identifying the existing version, by computer, automatically determine which of the earlier versions is the existing version; and based on the results of the comparing step (determining which of the earlier versions is the existing version), automatically determining, or displaying to a user at least some of the upgrade information to aid the user in determining whether to perform an upgrade (column 1, lines 56-67; column 2, line 1).

The upgrade information used in the method may include information concerning reasons for the later version, and an indication of the type of change from a prior version to a later version (e.g. feature enhancement, performance enhancement, or bug fix) and/or an indication of the importance of the change from the prior version to the later version (column 2, lines 24-30). Apparently, this upgrade information is merely descriptive and is clearly not

equivalent to the information provided to a user of Applicant's invention wherein *actual conflict information* is derived from comparisons made between files and shared resources of the new application with existing files and resources of the computer system.

According to the '304 reference, upgrade information is used to perform only two types of comparisons: (a) whether or not a particular upgrade package corresponds to a resource on the server, and (b) whether or not the version number of the upgrade package matches the version number of the corresponding network resource. This is simply not equivalent to the detailed comparisons made by Applicant's invention wherein substantially every file and shared resource of a new application is compared to the files and shared resources of the existing applications of a computer system during installation to determine actual conflicts.

Applicant submits that using upgrade information, as according to Stupek et al., to aid the user in determining whether or not to perform an upgrade is not suggestive of using actual conflict information that derives from comparing files and shared resources of a new application with a computer system's preexisting files, applications and shared resources. The benefit provided by Applicant's invention is that there is no ambiguity as to how an installation of the new application will affect the operation of a computer system. System managers/administrators are made aware of real conflicts that will from installing a new application and thus are allowed to make a well informed decision whether or not to do so. The '304 reference simply does not provide such specific information to aid the user in determining whether or not to roll out the new application to the end users.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Roika*, 180 USPQ 580 (CCPA 1974); MPEP 8th Ed., 2143.03. In determining the differences between the prior art and the claims, the question under 35 U.S.C. §103 is not whether the differences themselves would have been

obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex Inc. v. Aeroquip Corp.*, 218 USPQ 871 (Fed. Cir. 1983); MPEP 8th Ed., 2141.02.

Applicant submits that the ‘304 reference simply does not teach or suggest a method of managing software conflicts in a computer system wherein the method includes a step of receiving change information regarding actual changes made to files and other shared resources during installation of different applications into the computer system and whereby the change information is used to determine conflict information pertaining to which files and shared resources conflict with one another after installation. The ‘304 reference teaches the use of upgrade information to aid the user in determining whether or not to upgrade an existing system with a new application wherein the upgrade information does not include information relative to actual conflicts that exist between files or other shared resources between the new application and the existing applications in the computer system. Applicant’s invention provides a more specific approach to determining the differences between a new application and existing applications in a computer system such that the user is provided a more informative view as to how the installation of a new application will affect the existing computer system. As such, the 304’ reference should not be used to form the basis of an obviousness rejection. It is further submitted that combining the ‘304 reference with the Burns et al. reference does not constitute the basis for an obviousness rejection.

Burns discloses a method of reconstructing a version of a file in places where data storage space and memory resources are limited. Two versions of the same dates or files are utilized and differencing methods are used to find the changes between the two files. As shown in Figure 6 of the Burns patent and as described in column 8, lines 42-47, conflicts occur when the delta file commands require the delta file to first write to a region of memory and then later read from that same region which results in the system comparing original data with altered data

resulting in conflicts. There is no suggestion of the method of managing software conflicts as according to Applicant's invention wherein detailed comparisons are made between the files and shared resources of a new application and preexisting applications in a computer system to determine actual conflict information.

It has long been recognized that obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention unless there is some teaching, suggestion or incentive in the prior art which would have made such a combination appropriate. *Ashland Oil Inc. v. Delta Resins and Refractories Inc. et al.*, 227 USPQ 657, 667. Further, to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP 8th Ed., 2143.03. Applicant submits that there is no teaching or suggestion of all the claim limitations of the present invention in the above cited references and therefore an obviousness rejection is improper. Accordingly, respectfully requests that this be withdrawn as a basis for rejection.

Claims 2-4, 19-21, 44 and 55 are rejected under 35 U.S.C. §103 as being unpatentable over Stupek, Jr. et al., Burns et al. and further in view of Shipley, U.S. Patent No. 5,634,114.

Applicant respectfully requests reconsideration of claims 2-4, 19-21, 44 and 55 in view of the foregoing arguments relative to the claims of the present invention embodying patentable subject matter. If an independent claim is not obvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). In this case, the dependent claims depend from independent claims which are believed to be in condition for allowance, accordingly, Applicant respectfully requests that this be withdrawn as a basis for rejection.

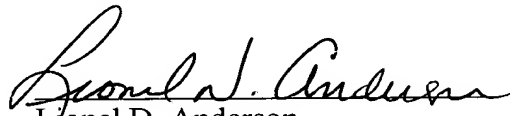
Claims 56 and 57 are rejected under 35 U.S.C. §103(a) as being unpatentable of Stupek, Jr. et al. in view of Burns et al. and further in view of Gross, U.S. Patent No. 6,192,375.

Applicant respectfully requests reconsideration of these claims in view of the foregoing remarks relative to the above dependent claims.

Claims 9-13, 26-30 and 53-54 are rejected under 35 U.S.C. §103 as being unpatentable over Stupek, Jr. et al. in view of Burns et al. and further in view of Choye et al., U.S. Patent No. 5,842,024. Applicant respectfully requests reconsideration of these claims in view of the foregoing remarks relative to dependent claims being nonobvious if their respective independent claims are nonobvious.

In view of the foregoing remarks, reconsideration of the above rejections and advancement of the present case to issue is respectfully requested.

Respectfully submitted,



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Janice R. Kuehn